

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN J. MCCARTHY,
Petitioner

vs.

WARDEN, USP LEWISBURG,
Respondent

:
:
:
: CIVIL No. 1:14-CV-1910
:
:
:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On October 2, 2014, John McCarthy, a prisoner at United States Penitentiary Lewisburg, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). He claims that prison officials imposed discipline against him – namely, deduction of good-time credits – in violation of his due process rights. On February 23, 2015, Chief Magistrate Judge Carlson issued a Report and Recommendation. (Doc. 20). He recommends that we dismiss the petition because McCarthy failed to exhaust his administrative remedies. (Doc. 20 at 6). Alternatively, Judge Carlson recommends that we dismiss the petition because it fails on its merits. (Doc. 20 at 10).

On March 5, 2015, McCarthy timely filed objections to the Report and Recommendation. (Doc. 21). His objections do not identify a specific portion of the Report and Recommendation to which he objects. Instead, he generally asserts that Magistrate Judge Carlson “is unconstitutionally biased” and that there was no evidence to support the Report and Recommendation. To support these general objections, he incorporates by reference all arguments made in his briefs.

In the absence of specific objections, we review reports and recommendations for clear error. Cruz v. Chater, 990 F. Supp. 375, 378 (M.D. Pa. 1998). Upon independent review, we find no clear error. Accordingly, we will issue an order denying relief. We will not issue a certificate of appealability since Petitioner has the right to appeal our order to the Third Circuit without a certificate. See Burkey v. Marberry, 556 F.3d 142, 146 (3d Cir. 2009).

AND NOW, this 16th day of March, 2015, upon consideration of the Report and Recommendation of Magistrate Judge Carlson (Doc. 20), filed on February 23, 2015, and Petitioner's general objections thereto, it is ordered that:

1. Chief Magistrate Judge Carlson's Report and Recommendation is ADOPTED.
2. John McCarthy's Petition for habeas corpus relief is DENIED.
3. The clerk shall close this file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge